

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 4, 2014

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, February 4, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Tupelo Fire Chief Thomas Walker, followed by the Pledge of Allegiance led by Boy Scout Carson Clark.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Davis called the regular meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD: #7.10 Request to surplus radios for Tupelo Fire Department
ADD: #7.11 Request to surplus radios for Tupelo Police Department

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

Three boy scouts of Troop 12 sponsored by First Methodist Church were present with their Merit Badge Advisor Duke Loden. The scouts present were Lee Pearson Simmons, Carson Clark and Colt Moore. Carson had led the Pledge of Allegiance at the beginning of the meeting.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

President Davis reminded everyone that the nation celebrates “Black History Month” during February each year.

FEBRUARY 4, 2014

IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “THE LIFE OF OLLIE COLLINS, JR.”

Mayor Shelton read a proclamation to extend best wishes to Mr. Ollie Collins, Jr. on the occasion of his 74th birthday; 50 Golden Years of Radio and Television; and 25 years as Owner/CEO of WSEL 96.7 FM. Mr. Collins is a native of Saltillo, Mississippi, and has been involved in the world of radio, television and the music industry for most of his career. He is undertaking the task of writing a book entitled: “The Life of Ollie Collins, Jr.”

IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “GENERAL AVIATION”

Josh Abramson, Executive Director of the Tupelo Regional Airport, accepted a proclamation from Mayor Shelton, declaring February 2014 as General Aviation Appreciation Month. Quoting from the proclamation, “General aviation and community airports play a critical role in the lives of our citizens, as well as the operation of our cities, counties, and businesses.” The industry has an economic impact of \$860 million in the State of Mississippi. Many businesses and communities depend upon general aviation aircraft and small aircraft of all types for access to medical treatment, mobility, economic opportunity, disaster relief and a wide range of critical resources.

IN THE MATTER OF MAYOR’S REPORT

Following are highlights of Mayor Shelton’s report:

... Thanked several departments, including the Tupelo Police Department, Tupelo Fire Department, for their quick response in putting out a fire that occurred at the House of Carpets in East Tupelo this past weekend. On behalf of himself and Fire Chief Thomas Walker, he thanked Chuck Williams, Director of the Public Works Department, Jason Rush and Justin White from that department, for arriving shortly after the fire department and stayed out working to put out the fire in frigid miserable conditions all night.

... The State of the City Address is scheduled for Tuesday, February 11, 2014, at 4:00 p.m. at the BancorpSouth Center.

... Events coming up this week include:
Lady Wave Basketball team is playing against Grenada to clinch the division championship.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 4, 2014

... The Lady Wave soccer team will go against Madison Central with the winner advancing to the 6A final at Clinton High School on Friday.

... Congratulations on great seasons to both the Men's Basketball and Soccer teams who have wrapped up their season.

... Free Tupelo FIT event with Miss Mississippi Chelsea Rick at 5:30 p.m. on Wednesday night at the Tupelo High School gym.

... TVA will celebrate its 80th Anniversary of Tupelo becoming the first TVA City on Thursday, February 6, at 5:00 p.m. at the Elvis Presley Birthplace. A commemorative ceremony will be held at Church Street on Friday morning at 11:00 a.m.

... The Furniture Buyers Award at the Tupelo Furniture Market begins this week with the Furniture Buyers Award being presented on Thursday night.

... Also, on Thursday at 6:00 p.m. at the St. Paul United Methodist Church, Mississippi Museums will host "Mississippi Civil Rights: Documenting the Movement." Several speakers are on the program, including Tupelo City Council President Nettie Y. Davis.

... On Friday at 6:00 p.m., there will be a Rally for Public Transportation sponsored by Tupelo Living with Help of AARP. This event will take place at the St. Paul's United Methodist Church Life Center.

5. PUBLIC AGENDA

No items were listed under Public Agenda.

6. ACTION AGENDA

No items were listed under Action Agenda.

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR CITY COUNCIL MEETING

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, January 17, 2014.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 4, 2014

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan and Davis:

Check Nos. 117735 through 118089 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One Plan as shown on the face of the docket.

IN THE MATTER OF REVIEW/APPROVE FIVE (5) APPOINTMENTS TO OREN DUNN MUSEUM BOARD

Mayor Shelton had recommended five individuals for appointment to the Oren Dunn Museum Advisory Board. Upon a motion by Council Member Newell, seconded by Council Member M. Bryan, the council voted unanimously to approve appointment of the following to serve on this Board. Copies of their bio's are attached to these minutes and incorporated herein as **APPENDIX A:**

Ward 1 – Mr. Greg Pegues (term February 2014 – February 2017)
Ward 3 – Mr. Victor Armstrong (term February 2014 – February 2017)
Ward 4 – Mr. Aaron Washington (term February 2014 – February 2017)
Ward 5 – Mr. Nick Humber (term February 2014 – February 2017)
Ward 7 - Mr. Elquin Gonzales (term February 2014 – February 2017)

IN THE MATTER OF REVIEW/APPROVE FY 2014 BUDGET REVISION #3

Councilman Palmer moved to approve FY 2014 Budget Revision #3 but the motion died due to lack of a second.

Councilman L. Bryan then moved to approve the budget revision with the deletion of two projects from the Capital Projects Fund, i.e., the Vietnam Wall & F105 project in the amount of \$150,000 and the Elvis Presley project in the amount of \$100,000 for a total of \$250,000. The motion was seconded by Councilman Whittington, and a discussion followed in which it was suggested a work session be held and possibly another budget revision presented.

After a full discussion, Councilman L. Bryan moved to approve the FY 2014 Budget Revision #3 with the two projects named in the foregoing paragraph being tabled.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 4, 2014

The motion was seconded by Councilman Whittington. After a discussion of tabling these projects, Councilman L. Bryan withdrew his motion to approve the revision with tabling, and Councilman Whittington withdrew his second. Councilman L. Bryan moved to approve the budget revision as presented with no funds being spent on the two projects until further study. Again this motion was seconded by Councilman Whittington with vote being as follows:

VOTING AYE: Whittington, L. Bryan, Newell, M. Bryan, Jennings
VOTING NAY: Davis, Palmer

A copy of the FY 14 Budget Revision #3 is attached hereto and incorporated herein as **APPENDIX B.**

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION AUTHORIZING
SUBMITTAL OF APPLICATION FOR TRANSPORTATION ALTERNATIVE
PROGRAM GRANT APPLICATION**

Upon a motion by Councilman Whittington and a second by Councilman Palmer, the council voted unanimously to approve a Resolution of Authorization to Submit Application for 2014 Transportation Alternatives Grant Program. An executed copy of this resolution is attached to these minutes as **APPENDIX C.** The Mississippi Department of Transportation has allocated Transportation Alternatives Program grant funding to award to eligible entities for projects providing transportation alternatives, and the City of Tupelo is an entity eligible to benefit from such a program. Funding, if received, would be used in Downtown Tupelo by completing a sidewalk loop around BancorpSouth Arena and by creating safer access to crosswalks at intersections in the downtown area. The grant would require a city match.

**IN THE MATTER OF REVIEW/APPROVE LAW FIRM TO PREPARE CONTINUING
DISCLOSURE INFORMATION STATEMENT IN REGARD TO VARIOUS BOND
ISSUES**

Upon a motion by Councilman L. Bryan, seconded by Councilman M. Bryan, the council voted unanimously to retain the law firm of Butler/Snow to prepare and submit the City's Continuing Disclosure Information Statement in connection with various bond issues. This firm serves as Bond Counsel in connection with the bond issues for the city. This year's filing of the statement is due on or before March 31, 2014. The firm agrees to render an opinion to the effect that the city has complied with the Securities and Exchange Commission continuing disclosure requirement.

**MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI**

FEBRUARY 4, 2014

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO DECLARE SURPLUS
VEHICLES FOR TUPELO WATER & LIGHT DEPARTMENT**

Johnny Timmons, Manager of the Tupelo Water & Light Department, had submitted a listing of vehicles that he requested to be declared as surplus. Councilman Whittington moved to find that the vehicles listed have ceased to be used for public purposes, and it is in the city's best interest to sell them; and to declare them as surplus and sell at auction to the highest bidder, with the exception of the 2002 International knuckleboom truck (VIN 1HTSCAAR92H537332). The motion included that the 2002 International knuckleboom truck (VIN 1HTSCAAR92H537332) has ceased to be used for public purposes and it is in the city's best interest to sell it. The equipment may be of use or benefit to the Town of Sardis; and if the market value is of greater value than the agreed upon sales price, then the sale is nonetheless in the best interest of the taxpayers of the state; and to sell same to the Town of Sardis, Mississippi, for the mutually agreed upon sum of Four Thousand Nine Hundred and Fifty Dollars (\$4,950.00). The motion was seconded by Councilman L. Bryan and unanimously approved by a vote of the city council.

A copy of the listing of vehicles as presented by the Tupelo Water & Light Department is attached to these minutes and incorporated herein as **APPENDIX D.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO MAJOR THOROUGHFARE PROGRAM MEETING

Upon a motion by Councilman Palmer and a second by Councilman Jennings, the council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of December 9, 2013, a copy being attached hereto as **APPENDIX E.**

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR SUPPLY OF HOT MIX

Upon a motion by Councilman Jennings, seconded by Councilman M. Bryan, the council voted unanimously to award the following bid as recommended by Public Works Department Director Chuck Williams:

| | | |
|---------|--------------------|--|
| 1312 PW | Supply of Hot Mix: | One vendor responded with a price of \$70.00 per ton for surface mix; \$70.00 per ton for binder mix and \$6.00 per ton for delivery cost. |
|---------|--------------------|--|

Lowest and best bid: APAC – MS

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 4, 2014

A complete copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX F.**

IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS RADIOS FOR TUPELO FIRE DEPARTMENT

Fire Chief Thomas Walker had submitted a list of radios to be declared as surplus. According to his memorandum to the Mayor and City Council, these items will be replaced by new radios for the new radio system for that Department. Upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the council voted unanimously to approve this list and declare the radios as surplus. A copy of the listing with full descriptions is attached hereto and incorporated into these minutes as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS RADIOS FOR TUPELO POLICE DEPARTMENT

Police Chief Bart Aquirre had submitted a list of radios to be declared as surplus. Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to approve this list and declare the radios as surplus. A copy of the listing with full descriptions is attached hereto and incorporated into these minutes as **APPENDIX H.**

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS CONTRACT FOR OUTSIDE LEGAL SERVICES

This item will remain on the Study Agenda.

IN THE MATTER OF REVIEW/DISCUSS AMENDMENTS TO LOT MOWING PENALTIES

This item will remain on the Study Agenda.

9. EXECUTIVE SESSION

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to close the regular meeting to determine the need for an executive session.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 4, 2014

Upon a motion by Councilman Palmer, seconded by Councilman M. Bryan, the council voted unanimously to go into executive session to discuss two matters, i.e.:

- (1) Pending litigation – Wells Fargo vs. City of Tupelo, et al (Azalea Gardens)
- (2) Prospective purchase of property for Neighborhood Development Corporation

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to come out of executive session and return to the regular meeting with no action to be taken.

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the council, upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the council voted unanimously to adjourn the regular council meeting at 7:40 p.m.

ATTEST:

PRESIDENT

CLERK OF THE COUNCIL

APPROVED:

MAYOR